

ESTTA Tracking number: **ESTTA691991**

Filing date: **08/26/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Las Vegas Convention and Visitors Authority		
Entity	state agency	Citizenship	Nevada
Address	3150 Paradise Road Las Vegas, NV 89109 UNITED STATES		

Attorney information	Laura Bielinski Brownstein Hyatt Farber Schreck LLP 100 N. City Parkway, Suite 1600 Las Vegas, NV 89106 UNITED STATES lvpto@bhfs.com, jobermeyer@bhfs.com, elewis@bhfs.com, lbielinski@bhfs.com Phone:805.882.1438
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Registration Subject to Cancellation

Registration No	4063628	Registration date	11/29/2011
Registrant	Intenze Products, Inc. 215 Route 17 South Rochelle Park, NJ 07662 UNITED STATES		

Goods/Services Subject to Cancellation

Class 044. First Use: 2008/02/16 First Use In Commerce: 2008/02/16 All goods and services in the class are cancelled, namely: TATTOOING AND BODY PIERCING SERVICES

Grounds for Cancellation

Dilution	Trademark Act section 43(c)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3526119	Application Date	03/22/2004
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS HERE STAYS HERE		

Design Mark	WHAT HAPPENS HERE STAYS HERE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 Advertising, public relations

U.S. Registration No.	3773529	Application Date	07/19/2004
Registration Date	04/06/2010	Foreign Priority Date	NONE

Word Mark	WHAT HAPPENS IN VEGAS STAYS IN VEGAS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2009/10/28 First Use In Commerce: 2009/10/28 ENTERTAINMENT SERVICES, NAMELY, ELECTRONIC GAMING INCLUDING SLOT MACHINE SERVICES
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U.S. Registration No.	3613861	Application Date	04/07/2005
Registration Date	04/28/2009	Foreign Priority Date	NONE

Word Mark	WHAT HAPPENS HERE STAYS HERE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/02/23 First Use In Commerce: 2009/02/23 Gaming Machines

U.S. Registration No.	3624680	Application Date	04/07/2005
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS HERE STAYS HERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2008/12/01 First Use In Commerce: 2008/12/01 Gaming Tables		

U.S. Registration No.	3735301	Application Date	04/07/2005
Registration Date	01/05/2010	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS IN VEGAS STAYS IN VEGAS		

Design Mark	<p>What Happens in Vegas Stays in Vegas</p>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/10/28 First Use In Commerce: 2009/10/28 Gaming Machines

U.S. Registration No.	3743356	Application Date	04/07/2005
Registration Date	01/26/2010	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS IN VEGAS, STAYS IN VEGAS.		
Design Mark	<p>WHAT HAPPENS IN VEGAS, STAYS IN VEGAS.</p>		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2009/10/25 First Use In Commerce: 2009/10/25 Gaming Tables		

U.S. Registration No.	3668099	Application Date	12/06/2006
Registration Date	08/18/2009	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS HERE, STAYS HERE.		

Design Mark	WHAT HAPPENS HERE, STAYS HERE.
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 Promoting the Las Vegas, Nevada area asa destination for leisure and business travelers

U.S. Registration No.	3848214	Application Date	01/11/2008
Registration Date	09/14/2010	Foreign Priority Date	NONE
Word Mark	WHAT HAPPENS IN VEGAS STAYS IN VEGAS		
Design Mark	WHAT HAPPENS IN VEGAS STAYS IN VEGAS		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/01/01 First Use In Commerce: 2010/01/01 Promoting the Las Vegas, Nevada area asa destination for leisure and business travelers		

Attachments	76582191#TMSN.png(bytes) 78452892#TMSN.png(bytes) 78604224#TMSN.png(bytes) 78604239#TMSN.png(bytes) 78604249#TMSN.png(bytes) 78604257#TMSN.png(bytes) 77058510#TMSN.png(bytes) 77370150#TMSN.png(bytes) Petition for Cancellation - NOT EVERYTHING STAYS IN VEGAS 4063628.pdf(327767 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Laura Bielinski/
Name	Laura Bielinski
Date	08/26/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Las Vegas Convention and Visitors
Authority,

Petitioner

v.

Intenze Products, Inc.,
Registrant.

CANCELLATION NO. _____

Registration No.: 4,063,628

Mark: NOT EVERYTHING STAYS IN
VEGAS

International Class: 44

Registration Date: November 29, 2011

PETITION FOR CANCELLATION

Las Vegas Convention and Visitors Authority ("LVCVA"), a Nevada state agency having its principal place of business at 3150 Paradise Road, Las Vegas, Nevada, 89109, believes it will be damaged by Registration No. 4,063,628 for the trademark NOT EVERYTHING STAYS IN VEGAS in International Class 44 for tattooing and body piercing services ("NOT EVERYTHING Mark"), and hereby petitions to cancel the same under 15 U.S.C. § 1064. The grounds for cancellation are as follows:

LVCVA And Its Famous Trademarks

1. LVCVA owns the trademark WHAT HAPPENS HERE, STAYS HERE. ("STAYS HERE Mark").
2. LVCVA began using the STAYS HERE Mark in commerce nationwide in December 2002 in conjunction with, among other things, the promotion of Las Vegas as a travel destination.
3. Since its first appearance on television in 2002, the STAYS HERE Mark and its connection to Las Vegas tourism has become widely known throughout the country.

4. Because of LVCVA's aggressive marketing campaign incorporating the STAYS HERE Mark, the STAYS HERE Mark has grown in national consumer recognition since 2002, especially via television commercials.

5. By the end of 2004, commercials that included the STAYS HERE Mark had been aired 9,750 times on U.S. network and cable television stations.

6. The advertisements ran during prime time on U.S. networks for a total of approximately 1,045,010,000 views by viewers.

7. On 21 national channels of cable television, the ads reached a total of about 1,978,220,000 views by viewers.

8. In addition, the ads were broadcast on local network and cable affiliates in major markets nationwide including Chicago, New York, Dallas, Houston, Los Angeles, San Diego, San Francisco, and others.

9. LVCVA has also run full-page print ads, prominently featuring the STAYS HERE Mark, in nationally distributed magazines such as *People*, *Entertainment Weekly*, *Sports Illustrated*, *Vanity Fair*, *Elle*, *MAXIM*, and *Golf Magazine*. An estimated total of about 153,907,000 people viewed these advertisements.

10. From 2002 to 2008, LVCVA spent over \$157 million in connection with the marketing of the STAYS HERE Mark, which has become indelibly linked to Las Vegas tourism.

11. In the wake of LVCVA's tremendously successful marketing campaign establishing Las Vegas as a top tourist destination, LVCVA adopted a natural variation of the STAYS HERE Mark, namely, WHAT HAPPENS IN VEGAS STAYS IN VEGAS ("STAYS IN VEGAS Mark") and, together with the STAYS HERE Mark, the "WHAT HAPPENS Marks").

12. LVCVA continues to use the WHAT HAPPENS Marks in its promotion of Las

Vegas tourism.

13. Because of LVCVA's significant investment in the WHAT HAPPENS Marks, the WHAT HAPPENS Marks have acquired fame, distinctiveness and tremendous goodwill in the United States.

14. On March 22, 2004, LVCVA's predecessor in interest filed an application with the U.S. Patent and Trademark Office ("USPTO") for the STAYS HERE Mark in International Class 35 for "advertising, public relations" (U.S. Ser. No. 76/582,191). That application, and the entire interest in and goodwill associated with the STAYS HERE Mark, was assigned to LVCVA on November 15, 2006. The USPTO issued a registration to LVCVA on November 4, 2008 (Reg. No. 3,526,119).

15. On July 19, 2004, LVCVA's predecessor in interest filed an application for the STAYS IN VEGAS Mark with the USPTO in International Class 41 for "entertainment services, namely, electronic gaming including slot machine services" (U.S. Ser. No. 78/452,892). That application, and the entire interest in and goodwill associated with the STAYS IN VEGAS Mark, was assigned to LVCVA on February 22, 2008. The USPTO issued a registration to LVCVA on April 6, 2010 (Reg. No. 3,773,529).

16. On April 7, 2005, LVCVA's predecessor in interest filed an application with the USPTO for the STAYS HERE Mark in International Class 9 for "gaming machines" (U.S. Ser. No. 78/604,224). That application, and the entire interest in and goodwill associated the STAYS HERE Mark, was assigned to LVCVA on February 22, 2008. The USPTO issued a registration to LVCVA on April 28, 2009 (Reg. No. 3,613,861).

17. On April 7, 2005, LVCVA's predecessor in interest filed an application with the USPTO for the STAYS HERE Mark in International Class 28 for "gaming tables" (U.S. Ser. No.

78/604,239). That application, and the entire interest in and goodwill associated with the STAYS HERE Mark, was assigned to LVCVA on February 22, 2008. The USPTO issued a registration to LVCVA on May 19, 2009 (Reg. No. 3,624,680).

18. On April 7, 2005, LVCVA's predecessor in interest filed an application for the STAYS IN VEGAS Mark with the USPTO in International Class 9 for use in connection with "gaming machines" (U.S. Ser. No. 78/604,249). That application, and the entire interest in and goodwill associated with the STAYS IN VEGAS Mark, was assigned to LVCVA on February 22, 2008. The USPTO issued a registration to LVCVA on January 5, 2010 (Reg. No. 3,735,301).

19. On April 7, 2005, LVCVA's predecessor in interest filed an application for the STAYS IN VEGAS Mark with the USPTO in International Class 28 for use in connection with "gaming tables" (U.S. Ser. No. 78/604,257). That application, and the entire interest in and goodwill associated with the STAYS IN VEGAS Mark, was assigned to LVCVA on February 22, 2008. The USPTO issued a registration to LVCVA on January 26, 2010 (Reg. No. 3,743,356).

20. On December 6, 2006, LVCVA filed an application for the STAYS HERE Mark with the USPTO in International Class 35 for use in connection with "promoting the Las Vegas, Nevada area as a destination for leisure and business travelers" (U.S. Ser. No. 77/058,510). The USPTO issued a registration to LVCVA on August 18, 2009 (Reg. No. 3,668,099).

21. On January 11, 2008, LVCVA filed an application for the STAYS IN VEGAS Mark with the USPTO in International Class 35 for use in connection with "promoting the Las Vegas, Nevada area as a destination for leisure and business travelers" (U.S. Ser. No. 77/370,150). The USPTO issued a registration to LVCVA on September 14, 2010 (Reg. No.

3,848,214).

Intenze Products, Inc.'s Trademark Registration

22. LVCVA is informed and believes, and thereon alleges, that registrant Intenze Products, Inc. ("Intenze") is a New Jersey corporation with an address at 215 Route 17, South Rochelle Park, New Jersey 07662.

23. Intenze filed an application to register the NOT EVERYTHING Mark (U.S. Ser. No. 77/391,496) in International Class 44 on February 7, 2008, well after LVCVA's rights in the STAYS HERE Mark first arose in 2002.

24. The USPTO issued Intenze a federal trademark registration for the NOT EVERYTHING Mark on the Principal Register on November 29, 2011 (Reg. No. 4,063,628).

25. LVCVA is informed and believes, and thereon alleges, that by filing an application to register the NOT EVERYTHING Mark, Intenze was deliberately seeking to profit from the goodwill and popularity of LVCVA's WHAT HAPPENS Marks.

LVCVA's Claim For Trademark Dilution

26. LVCVA's WHAT HAPPENS Marks are famous. As a result of extensive use in interstate commerce in the United States and throughout the world, the public has come to associate goods and services bearing the WHAT HAPPENS Marks with LVCVA alone.

27. Without LVCVA's consent, and after the WHAT HAPPENS Marks became famous, Intenze deliberately and willfully used the NOT EVERYTHING Mark in interstate commerce in connection with the identification and advertising of its business and the sale, and/or offering for sale and/or distribution of its services.

28. LVCVA has no control of Intenze's use of the NOT EVERYTHING Mark in association with services for which the mark is registered.

29. Intenze's use of the NOT EVERYTHING Mark results in tarnishment and blurring of the WHAT HAPPENS Marks, because it harms the reputation of LVCVA's famous WHAT HAPPENS Marks and diminishes their capacity to identify and distinguish LVCVA's services.

Relief Requested

LVCVA requests that Intenze's registration for the NOT EVERYTHING Mark be cancelled because LVCVA's trademark rights are prior and senior to Intenze's rights in the NOT EVERYTHING Mark, and the NOT EVERYTHING Mark dilutes the WHAT HAPPENS Marks.

WHEREFORE, LVCVA prays that the Registration for the mark NOT EVERYTHING STAYS IN VEGAS (Reg. No. 4,063,628) be cancelled, and that this cancellation be sustained in favor of LVCVA.

Respectfully submitted,

Dated: August 26, 2015

By: / Kelley Nyquist Goldberg/
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Attorneys for Petitioner,
Las Vegas Convention and Visitors
Authority

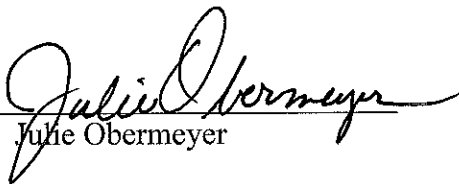
PROOF OF SERVICE

Julie Obermeyer, an employee of Brownstein Hyatt Farber Schreck, LLP, says that on August 26, 2015, she served a copy of this PETITION FOR CANCELLATION upon the following by enclosing the same in a First Class postage paid envelope and depositing it in the U.S. mail:

Intenze Products, Inc.
215 Route 17 South
Rochelle Park, New Jersey 07662

Jason M. Drangel
Epstein Drangel Bazerman & James, LLP
60 E. 42nd Street, RM 820
New York, New York 10165-0808

I declare that the statement above is true to the best of my information, knowledge and belief.


Julie Obermeyer